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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,383	10/11/2001	Artur Fischer	1794	1289

7590

04/23/2003

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EXAMINER

GOFF II, JOHN L

ART UNIT	PAPER NUMBER
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1733

10

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

11-8

Office Action Summary

Application No.

09/975,383

Applicant(s)

FISCHER, ARTUR

Examiner

John L. Goff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group II, claims 6-11, in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

2. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 requires the same limitations as claim 7.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (Specification page 2) in view of Cho (U.S. Patent 5,813,895) and Dorfman (U.S. Patent 5,273,476).

The admitted prior art is directed to toy building blocks made from solid foam. The admitted prior art teaches the blocks are manufactured from an extruded and foamed starch material. The admitted prior teaches adhesively bonding one block to another block or to another element by moistening the block such that the block becomes adhesive, i.e. the adhesive properties of the starch are activated. The admitted prior art teaches the adhesive bond strength is low, especially in the case of adhesion of the block to another element made from a non-adhesive material (Specification page 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply an adhesive to one of the block, the other element, or both to increase the bond strength between the block and another element, and in particular, it would have been obvious to use a starch based adhesive as it was well known in the art to bond two substrates using a starch based adhesive as shown for example by Cho and Dorfman to create an adhesive bond that is edible, i.e. not harmful if ingested by small children, and liquid-soluble, i.e. the adhesive bond can be dissolved.

Cho is directed to a toy egg that simulates the hatching of an egg from an animal-like figure. Cho teaches the shell of the egg is formed of a plurality of pieces bonded together by an edible liquid-soluble adhesive such as one made from starch (Column 1, lines 27-30 and Column

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2, lines 4-8). Dorfman is directed to a dissolvable toy package. Dorman teaches the package is made from two pieces joined together with a water-soluble binder, e.g. a starch binder (Column 3, lines 67-68 and Column 4, lines 1-2).

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art, Cho, and Dorfman as applied to claim 6 above, and further in view of Ross et al. (U.S. Patent 3,223,329)

The admitted prior art, Cho, and Dorfman teach all of the limitations in claims 7-9 as applied above except for a specific teaching of the starch based adhesive dissolved in water and of applying the adhesive by spraying. One of ordinary skill in the art at the time the invention was made would have readily appreciated the starch based adhesive taught by the admitted prior art as modified by Cho and Dorfman dissolved in water as it was well known in the art to use water to activate the adhesive properties of the starch as shown for example by Ross et al. Furthermore, it would have been well within the purview of one of ordinary skill in the art at the time the invention was made to apply the starch based adhesive taught by the admitted prior art as modified by Cho and Dorman by spraying as spraying was a well known technique in the art for applying an adhesive as shown for example by Ross et al. and only the expected results would be achieved.

Ross et al. are directed to an apparatus for applying an adhesive coated flock material. Ross et al. teach applying a flock material to a substrate for purposes of decoration using a spray coating of flock material, an adhesive such as starch, and water wherein the water is present to activate the adhesive (Column 2, lines 43-54).

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7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art, Cho, and Dorfman as applied to claim 6 above, and further in view of Sullivan (U.S. Patent 4,534,511).

The admitted prior art, Cho, and Dorfman teach all of the limitations in claims 10 and 11 as applied above except for a specific teaching of triturating the solid foam into flock material. One of ordinary skill in the art at the time the invention was made would have readily appreciated triturating the solid foam taught by the admitted prior art as modified by Cho and Dorfman to form a decorative flock material as it was well known to do so as shown for example by the background of Sullivan to form a decorative (e.g. snow-like) material. Furthermore, one of ordinary skill in the art at the time the invention was made would have readily appreciated applying the starch based adhesive taught by the admitted prior art as modified by Cho and Dorfman to either the foam flocks or the other bonding element as only the expected results would be achieved, i.e. bonding the foam flocks to the other bonding element.

Sullivan is directed to a flocking apparatus for spraying powdered flock onto a substrate for a decorative effect. The background of Sullivan teaches it is known to use foam flock as the flock material (Column 1, lines 25-29).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **703-305-7481**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John L. Goff
April 18, 2003



Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700